ORDINANCE NO. 3 Series 1959

AN ORDINANCE GRANTING TO OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, a corporation, and its Lessee, UNION PACIFIC RAILROAD COMPANY, a corporation, their successors, assigns and lessees, the franchise and right to construct, maintain and operate a railroad track of standard gauge upon and across South 11th Avenue, South 12th Avenue and unplatted street in the City of Elgin, Oregon.

THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. The City of Elgin hereby grants to Oregon-Washington Railroad & Navigation Company, a corporation, and Union Pacific Railroad Company, a corporation, hereinafter called grantees, their successors, assigns and lessees, the franchise and right to construct, maintain and operate a standard gauge railroad track upon and across those certain streets and public places of said City of Elgin described as follows:

All those portions of South Eleventh Avenue and the intersection thereof with Dogwood Street in South Elgin, an addition to the City of Elgin, Union County, Oregon, that lie between lines parallel with and 15 feet southerly and 30 feet northerly from a hereinafter described center line of spur track and said center line produced, and extending westerly from the westerly right of way line of the Oregon-Washington Railroad & Navigation Company to the east line of Block 4 in said South Elgin.

Said center line of spur track being described as follows:

Commencing at a headblock in the center line of main track of the Joseph Branch of the Oregon-Washington Railroad & Navigation Company at Railroad Survey Station 1062+24.1 in said center line, which is a point thereon

that is 1592.7 feet distant northeasterly from the south line of Section 15, Township 1 North, Range 39, East of the Willamette Meridian, measured along said center line;

thence southwesterly along a No. 10 turnout to the right having a frog angle of 5°43'30", a distance of 90.05 feet;

thence southwesterly along a tangent curve to the right having a radius of 383.065 feet, a distance of 109.95 feet to a point in the east line of South Eleventh Avenue which is identical to the westerly right of way line of said Railroad Company, said point being the true point of beginning of this description;

thence continuing southwesterly along the last described curve produced, a distance of 59.8 feet to a point in the west line of said South Eleventh Avenue.

Also all that portion of South Twelfth Avenue in said South Elgin that lies between lines parallel with and 8.5 feet on each side of the center line of a spur track described as follows:

Commencing at a headblock in the center line of main track of the Joseph Branch of said Railroad Company at Railroad Survey Station 1062+24.1 in said center line, which is a point thereon that is 1592.7 feet distant northeasterly from the south line of Section 15, Township 1 North, Range 39 East of the Willamette Meridian, measured along said center line;

thence southwesterly along a No. 10 turnout to the right having a frog angle of 5°43'30", a distance of 90.05 feet;

thence southwesterly along a tangent curve to the right having a radius of 383.065 feet, a distance of 412.27 feet;

thence westerly along a straight line tangent to the end of the last described curve, a distance of 22.78 feet to a point in the west line of Block 4 in said South Elgin that is 29.4 feet north from the southwest corner thereof, said point being the true point of beginning of this description;

thence continuing westerly along the last described straight line produced, a distance of 19.8 feet to a point in the west line of said South Twelfth Avenue;

Also all that portion of that certain unplatted street or roadway located in the SW¼ of Section 15, Township 1 North, Range 39 East of the Willamette Meridian, in the City of Elgin, Union County, Oregon, that lies between lines parallel with and 15 feet distant measured at right angles, on each side of the following described center line of spur track of the Oregon-Washington Railroad & Navigation Company and said center line produced, to-wit:

Commencing at a headblock in the center line of main track of the Joseph Branch of said Railroad Company at Railroad Survey Station 1062+24.1 which is a point thereon that is 1592.7 feet distant northeasterly from the south line of said Section 15, measured along said center line of main track;

thence southwesterly along a No. 10 turnout to the right, having a frog angle of 5°43'30" a distance of 90.05 feet;

thence southwesterly along a tangent curve to the right having a radius of 383.065 feet, a distance of 412.27 feet;

thence westerly along a straight line tangent to the end of the last described curve a distance of 247.22 feet;

thence westerly along a tangent curve to the left, having a radius of 1528.16 feet a distance of 100.0 feet;

thence westerly along a straight line tangent to the end of the last described curve a distance of 140.0 feet;

thence westerly and northwesterly along a tangent curve to the right having a radius of 716.779 feet, a distance of 282.96 feet;

thence northwesterly along a straight line tangent to the end of the last described curve a distance of 69.45 feet, more or less, to a point in the easterly right of way line of said unplatted street, said point being the true point of beginning of this description;

thence continuing northwesterly along the extension of the last described line a distance of 19.0 feet, more or less, to a point in the westerly right of way line of said unplatted street.

The rights hereby granted shall be and are subject to each and all of the terms, provisions and conditions expressed in this ordinance.

Section 2. The track mentioned in Section 1 of this Ordinance shall be constructed and maintained upon a grade conforming to the established grade of the streets upon which it is constructed, so as to interfere as little as possible with all public use of said streets.

Section 3. Nothing contained in this ordinance, or any right, privilege or franchise granted hereunder shall be construed to prevent the municipal authorities of the City of Elgin from sewering, grading, paving, planking or improving any portion of the streets over which the track constructed hereunder shall pass.

Section 4. All rights, franchises and privileges granted to or conferred upon the grantee herein by this ordinance shall continue and remain in force until the expiration of ~~ninety-~~ TEN (10) MORE AFM. ~~nine~~ (99) years from and after the date when this ordinance shall become effective. Nothing in this franchise shall be construed as granting an exclusive franchise or right to the use of any of the streets herein designated.

Section 5. The Grantees, their successors, assigns and lessees shall keep those portions of the streets occupied by said railroad track in good repair and as required by the Council, and shall, during the life of this ordinance, plank, pave, repave, reconstruct or otherwise improve or repair or maintain in good condition, and in the manner directed by the Council, the portions of said streets across which said railroad track shall be constructed, lying between the rails of said track and extending one foot outside of such rails.

Section 6. This ordinance shall become effective on the 30th day after its enactment.

Section 7. Said grantees shall within 60 days from the date of passage of this ordinance file with the City Recorder of the City of Elgin, their written acceptance of this franchise and the terms, provisions and conditions thereof.

Passed by the City Council this 9th day of June, 1959.

Attest:

G P Miller
City Recorder

M F Chandler
Mayor